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"Chile has occupied the coast and taken possession of it by the same right which Germany exercised when she annexed Alsace and Lorraine. Our rights are the result of victory, the supreme law of nations. That the coast is rich and worth many millions, we already know. We keep it because it is valuable. Were it worthless, we would have no interest in retaining it." (Abraham Konig, Chilean Minister to Bolivia, in his note to the Bolivian Foreign Office of the 13th August, 1900.)

# THE QUESTION OF THE PACIFIC. AMERICA'S ALSACE AND LORRAINE. THE CONQUEST BY CHILE IN 1879.

Illuminating documents from  
the Department of State of the  
United States of America.

THE CONQUEST OF THE PACIFIC  
AMERICA'S ALICE AND BOBBY  
THE CONQUEST BY CHIEF IS 1870

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# **THE QUESTION OF THE PACIFIC. AMERICA'S ALSACE AND LORRAINE. THE CONQUEST BY CHILE IN 1879.**

## **There Never Was a Boundary Dispute Between Peru and Chile.**

The map of South America, previous to the war of 1879, proves that there never was a boundary dispute between the republics of Peru and Chile, because both countries were separated by the Bolivian coast.

## **Neither Had There Been Any Boundary Dispute Between Bolivia and Chile Previous to 1842.**

It is a fact that no boundary dispute between Bolivia and Chile existed previous to 1842, at which time the rich guano deposits were discovered on the coast of Atacama and neighboring islands. The Chilean Constitutions of 1822, 1823, 1828, 1832 and 1833, and the treaty between Chile and Spain in 1842, which recognized the independence of Chile, all definitely state that Chile was bounded on the north by the desert of Atacama, the river Paposo, on parallel 25 latitude south, being the dividing line between Chile and Bolivia.

## **The Wealth of the Guano Deposits Was the Reason for the Dispute.**

There is no doubt but that the wealth of the guano deposits was the reason for the dispute, and is responsible for the appearance of Chile in Atacama, north of the river Paposo, as is mentioned by the historian Zevallos, the eminent Argentine statesman and writer, referring to the Chilean invasion of Bolivian territory, in his "Treatise on Spanish-American International Law."

## **The Chilean Law and the Bolivian Protest.**

On the 31st of October, 1842, the Chilean Congress passed a law stipulating that "All guano deposits to be found in the province of Coquimbo on the Atacama coast and in the adjacent islands, are declared state property."

Bolivia protested against the provisions of this law, diplomatic representations being initiated, which were frequently interrupted by the progressive invasion of the Bolivian coast by Chile.

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## **First Boundary Treaty Between Bolivia and Chile.**

Taking advantage of the dictatorship by which Bolivia was then governed, Chile was able, in 1866, to obtain the signing of a boundary treaty, which amounted to a virtual cession of territory up to parallel 24 latitude south, by which she was likewise granted the right to collect fifty per cent of the duties on products exported from the territory as far as the 23rd degree.

### **The United States Minister in Bolivia Expresses His Opinion of This Treaty.**

In his communication of the 5th of April, 1872, to the Secretary of State, Mr. Fish, the Minister, Mr. Markbreit, says, "In the boundary treaty with Chile in 1866, she was (Bolivia) even more unfortunate, for she lost territory without getting anything in return." (Foreign Relations U. S. A., 42d Congress, 1872, page 65.)

### **Chile, However, Was Not Satisfied.**

But this treaty did not satisfy Chile, whose government provoked serious difficulties with Bolivia in regard to the interpretation of the clauses, difficulties which became even more serious when the rich silver mines of Caracoles were discovered, extending for a distance of twelve miles, through the middle of which parallel 23 passes.

### **The United States Minister Communicates to the State Department the Fears Entertained by Bolivia and How Well Founded These Were.**

The fears entertained by Bolivia in the face of Chilean aggression, and the best proof that this country desired to avoid a conflict with Chile, are to be found in a communication addressed to the State Department in Washington by the United States Minister at La Paz, Mr. Markbreit, on the 31st of January, 1872, in which this official says, "Since the conclusion of this treaty, (treaty of 1866) it has been found that the guano deposits at Mejillones are of considerable value, and about two years ago the wonderfully rich silver mines of Caracoles were discovered by a Chilean, Diaz Gana. It is now feared by the Bolivian government that Chile may attempt to possess herself of these mines, as well as of the guano deposits at Mejillones, availing herself

of the first opportunity, for that purpose, which may offer. It is claimed that Chile is greedily waiting for some excuse, however trivial, to take this course. Mejillones is situated between the twenty-third and twenty-fourth parallels of latitude, while Caracoles, according to Bolivian opinion, lies north of the twenty-third parallel of latitude. I have had several unofficial conversations with the President and Minister for Foreign Affairs upon this subject, and have found that their only hope seems to be, should such an emergency arise, to secure the intervention of the United States. Of course, I have been careful not to commit in the slightest manner our government nor myself. The guano deposits at Mejillones are variously estimated at between four and ten million tons, while the mines at Caracoles, situated about one hundred and twenty miles from the bay of Mejillones, are said to contain immense riches." (Foreign Relations U. S. A., 42d Congress, 1872, page 64.)

### **Chile Places the Order for the Construction of Two Iron-Clads in 1871.**

As early as 1871 Chile had placed orders in England for the construction of the ironclads "Blanco Encalada" and "Almirante Cochrane," which assured her of naval supremacy in the waters of the southern Pacific.

### **Bolivia Seeks the Assistance of Peru.**

The suggestion made to the United States representative obtaining no result, Bolivia turned to Peru, whose policy of continental solidarity had been evidenced in the Pan-American Congresses of 1826, 1847, 1865, and specially during the war with Spain, in 1866, when the Peruvian Nation energetically defended the former Spanish colonies from any attempt at recovery.

The Bolivian Congress passed the law of November, 1872, agreeing to a defensive treaty of alliance with Peru, as a protection against foreign aggression.

### **Peru and Bolivia Signed the Defensive Treaty of Alliance in 1873.**

Article 1 established the defensive character of this treaty as follows:—"The High Contracting Parties unite and mutually agree to guarantee their independence, their sovereignty and the integrity of their respective territories; engaging themselves

within the terms of the present treaty, to defend each other against all foreign aggression, whether of one or of several independent states, or of a force having no flag and belonging to no known power."

Article 3 reserved to the contracting parties the right of declaring a "casus foederis." "Both the High Contracting Parties recognizing that all legitimate acts of alliance are based upon justice, the right is hereby established for either party to judge whether the offense received by the other can be included among the ones mentioned in the foregoing article."

### **The Treaty Advocated Arbitration.**

Article 8 says, "Preferentially to employ, always providing that it be possible to do so, every conciliatory measure to avoid a rupture, or such as may tend to put an end to the war, if it has already broken out, recognizing that the arbitration of a third power shall be the most effective way of attaining this end."

### **The Treaty Was Intended to Be a Continental Measure for Mutual Guarantee.**

Clause ten says, "The High Contracting Parties, either separately or collectively, may invite the adhesion of one or of several other American States to the present Defensive Treaty of Alliance, when by means of a later agreement they may consider it convenient to do so."

When the texts of the continental treaties agreed upon in the American Congresses of Lima, in 1847 and 1865, are recalled, it will be seen that the Treaty of Alliance between Peru and Bolivia, open to the admission of other American countries, according to the provisions of Article X, pursued the same ideals and was inspired by the same feeling of solidarity.

The Treaty of Confederation, subscribed to by the representatives of Peru, Bolivia, Chile, New Granada, and Ecuador, in the American Congress of Lima, says: "Should any unforeseen difference arise between any two or more of these confederate Republics, or questions or disagreements originate which might disturb the peaceable relations and the harmony which should exist between them; and should it have been impossible to satisfactorily settle these differences or disagreements by means of diplomatic correspondence or negotiations, the Congress of Pleni-

potentiaries shall tender its good offices and shall endeavor to procure that the republics in question enter into an agreement to secure a continuance of their harmonious relations. But should this intervention not prove sufficient to end their differences, the Congress of Plenipotentiaries shall constitute itself as umpire and, hearing the statement of the motives upon which the respective pretensions are based, shall give its verdict, which shall be punctually carried out by the said republics; and should one of these refuse to recognize the verdict, the others shall suspend, as far as she is concerned, all duties of neutrality, without prejudice to the further means which the Congress may see fit to adopt, to enforce its decisions and to make the refractory Republic feel the consequences of its unfaithfulness to the compact."

The treaty of solidarity and *defensive* alliance signed in Lima in 1865 by the representatives of Peru, Bolivia, Colombia, *Chile*, Ecuador, Salvador, and Venezuela, states that "The High Contracting Parties mutually guarantee their independence, their sovereignty and the integrity of their territories." They also signed a convention on "the Keeping of Peace," by which they agreed \* \* \* "never to have recourse to arms as a means of putting an end to their differences, but to employ for that purpose, peaceful measures only, submitting to the unquestioned decision of an arbitrator when they could not agree in any other way."

The Treaty of Alliance between Peru and Bolivia, to which the adhesion of the Argentine was solicited, contained the same provisions of mutual respect and guarantee on which the above mentioned agreements of 1847 and 1865 were based.

### **The Terms Upon Which Peru Invited the Adhesion of the Argentine Republic to the Treaty of Alliance.**

The wording of the communication of September, 1873, in which the Peruvian Minister, Yrigoyen, solicited the adhesion of the Argentine Republic to the Treaty of Alliance, clearly shows the spirit of this agreement:—"This treaty, which, by virtue of the approval of the respective Congresses and the exchange of ratifications at La Paz, on the 2nd of July last, has become an absolute agreement, is, as Your Excellency will perceive, free from all hostile or aggressive intent against any nation in particular, and from all ambitious intentions against the rights of others. Its stipulations, indeed, tend solely to the preservation of autonomy and territorial integrity against foreign aggression, and likewise



to prevent a conflict, by removing all pretexts for war; for, in the first paragraph of Article eight, arbitration is established as the only just and rational means to be employed for the settling of boundary disputes. From this point of view, which, undoubtedly, is of the highest interest, the treaty means the establishment of a sound principle in American Public Law and may therefore be considered as the surest guarantee of peace and union, not only between Peru and Bolivia, but also between all other American States which adhere thereto; and this is all the more important at the present moment, because as Your Excellency is aware, many of the said States have their boundary questions still pending, and, though the questions that have arisen up to the present, have happily not had any serious consequences, still they are not exempt from difficulties which may, perhaps, later on, lead to complications and serious dangers, which it is as well to forestall at any cost."

### **The Secret Nature of the Treaty of 1873.**

The secret nature of this treaty was not only in accordance with the diplomatic requirements of the times, but was amply justified by the reserve necessary for negotiating the adherence thereto of other countries, as provided in the text; and to prevent the intrusion of adverse interests and the possible defeat of the purposes of the Governments negotiating it.

### **Secret Diplomacy in America.**

The treaty of alliance between Peru and Bolivia was not a diplomatic measure which could be considered as proof of a conspiracy against the rights of others, or tending to disturb the peace of the continent. It is only necessary to read its clauses and to know the circumstances which made it imperative, to become convinced that its purpose was precisely the opposite of what is alleged against it; it was an earnest endeavor to secure the peaceful guarantee of territorial integrity, first of Bolivia and secondly of Peru, both of which were threatened by Chile.

On the other hand, secret treaties were not an innovation in those times. There is no country which has attempted to pursue the course of its diplomatic negotiations without surrounding them with the necessary reserve. And with regard to Chile, it should not be forgotten that it was the *Chilian* plenipotentiary

who, in 1847, proposed to the Congress of Lima that the decisions, as well as the discussions of this Congress, should be kept secret. At that time, however, the Chilian menace in South America was not apparent as it was in 1873, which, no doubt, is the reason why this proposal was not accepted by the other plenipotentiaries to the Congress.

The only reprehensible secret diplomacy is that which Chile has herself repeatedly directed against Peru, endeavoring to thwart all peaceful agreements between Peru and its neighbors, or envenoming such differences as these had with Peru. Chile will never be able to palliate her conduct in 1901 with Ecuador and Colombia; nor in 1909 with Bolivia. In the first mentioned countries she secretly conspired to nullify the treaty which Peru had concluded with them for submitting their boundary questions to arbitration; and in the second instance, she offered armaments, funds and men to Bolivia, in an endeavor to precipitate a war between that country and Peru. The official documents, revealing Chilean duplicity, were duly made public at the time, and should the necessity arise, they will once again be published.

### **Further Treaty Between Bolivia and Chile.**

The discussion between Bolivia and Chile respecting the interpretation to be given to the boundary treaty of 1866, was the cause of a new treaty being concluded between the two countries in 1874, which confirmed the former, as far as the specification of parallel 24 as the frontier between the countries; agreed upon arbitration for the settlement of such differences as might arise from the position of the mining zones, and determined that "Chilian citizens, industries and capital should not be subjected to taxation of any kind other than that at present in force." On the fourth of July, the two countries, through a complementary treaty, agreed to submit to arbitration all difficulties which might arise in connection with the interpretation and observance of the principal agreement.

### **Further Difficulties as Communicated by the United States Minister in Lima to the State Department.**

Difficulties between a company, which extracted saltpetre from Antofagasta, and the Government of Bolivia were compromised by an agreement, according to which the Bolivian Govern-

ment was to receive ten per cent of the profits of the company. This agreement on being submitted to the Bolivian Congress, was approved by it, the ten per cent of the profits being, however, substituted by the payment of ten "centavos" on each hundred-weight of saltpetre exported.

Chile protested against this action in a communication dated the 2nd of July, 1878, alleging the clause of the treaty of 1874, which exempted Chilean industries from any increase in taxation, affecting a disregard of the fact that the matter under consideration was a private agreement between a company and the Government; and, notwithstanding the conciliatory attitude of Bolivia, used this pretext as a reason for declaring war. Mr. Richard Gibbs, United States Minister in Lima, refers to this incident in his communication to the State Department of the 19th of February, 1879, in which he says:—

"By a law passed in the Bolivian Congress February 14, and decreed the 23d, 1878, it was ordered that all nitrate exported from Antofagasta should pay ten cents per quintal as contribution. It was not put into force at the time, remaining in abeyance. The nitrate company and the Chilean Minister at La Paz interposed to prevent, if possible, the carrying out of the law; the company, on the ground that their rights, legally acquired, were attacked; the Minister, in defense of an existing international treaty. Matters remained in this state, when, on the 8th of November, last, the Chilean Government, through its Minister at La Paz, informed the Government of Bolivia that if the law of contribution was put into force, Chile would declare the boundary treaty of 1874 annulled, and would throw the responsibility on Bolivia."

"The Government of Bolivia replied that there was no necessity for such a measure, as the tax was imposed on a society or company. The result was that an order was given to the authorities of Antofagasta for the immediate collection from the nitrate company of the sum of \$90,848.15, being the amount calculated on export of nitrate from the date of the decree of the 14th of February; this order was given on the 17th of December; on the 18th the Chilean Minister, in a note to the Bolivian Government declared that on receiving the note ordering the tax to be collected, he, in the name of his government, declared the treaty of 1874 abrogated."

"On the 26th of December the Bolivian Government replied

to the Chilian Minister saying that the course taken by the Chilian Government was to be regretted; that the Bolivian Government was justified in its procedure, and reminded the minister that, according to article 2 of the treaty, there was always a chance in such cases for arbitration."

"It appears that Bolivia demurred, and would have left the question to be resolved by Congress on its meeting, or by arbitration; but the action of Chile, in its note of the 8th of November, aroused the feelings of the Bolivians, and caused the order for the carrying out of the decree."

"Various rumors reached Peru that a rupture would take place but were not generally credited; all doubts were removed a short time later when it was known that Chile had ordered her war-ships to carry troops to Antofagasta; to land, seize the port, railroad and the nitrate works. From information received by telegraph, it appears that a fleet of Chilian vessels arrived at the port on the 14th instant, disembarked fifteen hundred troops and took possession of the harbor." (Senate Documents, 47th Congress, vol. 4, page 195.)

### **Peru Offers Her Mediation and Proposes Arbitration; But Chile Drags Her Likewise Into War.**

Peru, carrying out the clearest of her duties, in addition to those which the treaty of 1873 conferred, sent a special mission to Chile, with the object of tendering her mediation in the dispute, and suggested that the differences between Bolivia and Chile be submitted to arbitration. It should be borne in mind, in this connection, that Chile was bound to Bolivia by the treaty of arbitration subscribed to in 1875. The endeavors of the Peruvian representative were of no avail when confronted by the irrevocable determination of Chile to go to war, and to direct it specially against Peru; the excuse for this action being found in the treaty of alliance of 1873 between Peru and Bolivia, the defensive nature of which, as well as its altruistic and conciliatory purposes, are apparent in all its clauses. Chile thereupon declared war on Peru on the 5th of April, 1879.

### **Bolivia Desires Peace.**

The United States Legation had barely been established in La Paz, in charge of Mr. S. Newton Pettis, when the Minister of



Foreign Affairs of Bolivia handed him the following memorandum, which the American representative sent to Washington, accompanied by a communication dated the 28th of June, 1879 (Note: Text of original document, Senate Documents, p. 3. vol. iv.) :—

“All under the special condition to take no decision or any compromise without the knowledge and approval of the Peruvian Government.”

“The civil and military authorities of Chile to withdraw from and cease to occupy all territory of which they have taken possession on and since the 14th day of February, 1879, leaving all things in the condition and state in which they were previous to the 14th day of the said month.”

“Should arbitration then be agreed upon, the arbitrators to hear, determine and decide all matters in dispute between Bolivia, Chile and Peru, and determine the boundary line between Bolivia and Chile; Bolivia claiming the boundary line as stipulated in the Chilean constitution, consideration being given to the damages caused by the act of the 14th of February and the subsequent aggressions, which form the subject of Bolivian claims. The expenses of the war to be likewise taken into consideration.”

“That reference may be made to the President of the United States of America as sole arbitrator, or to the judges of the Supreme Court of the United States of America, or to the Ministers of the United States of America in Peru, Bolivia and Chile; a decision by a majority of the arbitrators sitting to be valid and binding upon the parties, and to be approved in its execution and in perpetuity by the President of the United States.”

**Peru Desires Peace (Note of the United States Minister at La Paz to the State Department).**

The attitude and intentions of Peru during this emergency are shown by the contents of the communication from Minister Pettis to the State Department, dated the 2nd of July, 1879, as follows:—

“Sir:—I have the honor to inform you that I to-day received a call from His Excellency the Peruvian Minister resident at La Paz. He said that he called to tender to me, as the representative of the United States, the acknowledgment of his government, as well as his own, for the very humane and conciliatory views he had been informed by His Excellency the Minister of Foreign

Relations of Bolivia, I had lately expressed touching the pending difficulties between Chile, Peru and Bolivia, and assuring me that he should take especial pleasure in cooperating in every way in his power to obtain a peaceful and bloodless adjustment of the same, and knew that he reflected the sense of the Peruvian Government in that respect." (Senate Documents, 47th Congress, vol. 4, page 4.)

**Chile Was Prepared for War. (Note of the United States Minister in Chile to the State Department.)**

Chile's preparations for prosecuting the war can be seen from the terms used by the U. S. Minister in Santiago in his communication of the 22nd of July, 1881, giving an account of the peaceful solution of the difficulty between Chile and the Argentine Republic, in the matter of their frontier dispute, through the good offices of the United States. The note reads as follows:—

"For years they have been engaged in supplying themselves, at a great expense, with the elements deemed necessary for such a contingency. Millions of dollars which ought to have been devoted to the development of material interests, have been expended in the purchase of ironclads and destructive artillery; all in anticipation of the war which seemed inevitable." (Foreign Relations U. S. A., 1881, page 134.)

**The Economic Situation in Chile and the Riches Lying Ready for Conquest. (Another Note to the State Department.)**

Such an outlay had created an impossible financial situation in Chile, which that country determined to remedy by wresting from Peru her valuable territory.

The communication from Mr. Osborn, United States Minister in Santiago, dated the 10th of April, 1879, addressed to the State Department, gives an estimate of this wealth:—

"Sir:—As it will be seen from the enclosed translation of a note received by me from the Minister of Foreign Relations, war was formally declared against Peru on the 5th inst., and on the same day the port of Iquique was placed in blockade by the Chilian squadron. The government promises a statement of the reasons for its action, for the information of friendly governments, in a few days. Awaiting it, I enclose a slip from a newspaper containing the 'Memorandum' published in the 'Official

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Gazette' simultaneously with the declaration of war. The army is being rapidly increased, and there is apparently no abatement in the enthusiasm. Iquique is the great nitre depot of Peru and is situated about midway in the province of Tarapacá, from north to south. This province extends to the Bolivian frontier on the north, and is supposed to contain almost inexhaustible wealth in its nitre and guano deposits. If Chile succeeds in getting possession of Tarapacá, she will, I judge, insist upon holding it. An intelligent gentleman with whom I have conversed upon the subject, and who formerly lived in Tarapacá, estimates the value of its nitre deposits alone at 400,000,000 of dollars." (Senate Documents, 47th Congress, vol. 4, page 77.)

### **The Manner in Which Chile Carried on the War. Indignant Communication From the United States Minister at Lima.**

Some idea of the manner in which Chile conducted operations against Peru may be obtained from the communication addressed to the State Department by Mr. Christiancy, United States Minister in Lima, dated the 24th of March, 1880. He says as follows:—

"This mode of carrying on the war by Chile has produced a strong feeling here among all the representatives of foreign (neutral) powers—English, German, Italian and French. A protest of the diplomatic corps has been suggested and the representative of one of those former, from whom I least expected it, who has a strong naval force here (but whose name I am not at liberty to mention), has suggested that the corps ought not only to protest against attacks made without notice upon the peaceable citizens of unarmed towns, but to insist that, before any of the towns upon the coast, even Callao, should be bombarded, a reasonable time should be given for the inhabitants and especially neutrals, to remove themselves and property from danger, and for all foreign shipping to leave, and all foreign consuls to remove their archives and effects to some place of safety; and that, if these reasonable demands should not be complied with, then to place the vessels of war of the neutral nations between the Chilean fleet and the shore, with orders to return any fire the assailing fleet might make upon the town. There will, doubtless, be a meeting of the corps in a few days, and, if so, I shall endeavor to act coolly and with circumspection; and while I shall avoid protesting against any of the regular and legitimate means which

one belligerent may, according to the more humane practices of modern warfare, properly use to weaken its opponent, I shall nevertheless readily join in protesting against all such means as are supported only by savage or semi-barbarous practices of past ages, but condemned by the more humane codes of modern warfare. Humanity has some rights, even higher than those of belligerents." (Senate Documents, 47th Congress, vol. 4, page 347.)

### **What Sir Clements R. Markham, the Historian, Says.**

Sir Clements R. Markham, referring to the same subject, says:—

"The Chilians gave no quarter. They bayoneted not only all the wounded, but the defenseless civilians in Chorrillos, including the old and respected British physician, Dr. MacLean, whom they foully murdered. The town was burned amidst hideous scenes of slaughter and rapine. Miraflores was committed to the flames, all the country houses around it were sacked and burned. During their occupation of Lima, the Chilians seized the University for a barracks, destroying and throwing away the archives. The public library contained 50,000 printed volumes and 8,000 priceless manuscripts. It was appropriated as another barracks, the books being sold as waste paper, or thrown into the street. The pictures and everything of value in the Exhibition building, the laboratory and appurtenances of the School of Medicine, all the models and appliances for teaching in the Schools of Arts, Sciences and Trade, and the public monuments were destroyed or carried off. The benches in the lecture rooms were cut up to make packing cases for the plunder."

### **Another Communication From the United States Minister at Lima to the Department of State.**

Mr. Christiancy, United States Minister in Peru, referring to all these horrors, says, in his despatch to Mr. Evarts: "It is quite true that the towns of Chorrillos, Barranco and Miraflores were wantonly and unnecessarily burned, after all resistance had ceased. I also think that it is entirely true that the Chilians murdered upon the field of battle at least such wounded soldiers as they found; and the general report from Chilian officers, as given to me from officers who have conversed with them, is that,

as a rule, they killed on the field all the Peruvian wounded. I know that when at Arica in September, the Chilean Governor of the place informed me that in taking Arica they took no wounded Peruvian soldiers there, and from all I could learn from all sources, the same was substantially the fact at the battle of Tacna." (Foreign Relations U. S. A., 1881, page 871.)

### **The United States Endeavor to Prevent the Conquest.**

*Instructions from the State Department to the United States Ministers in Chile, Peru and Bolivia. An interesting page in the diplomatic history of the United States.*

Following an attempt at mediation, which was unsuccessful owing to Chile's insistence in maintaining its pretensions of territorial cession, as a condition for peace, the United States Government renewed its efforts, under the guidance of the Secretary of State, Mr. Blaine, who issued the following instructions, on the 15th of June, 1881, to the Ministers accredited to Lima and Santiago, Generals Hurlbut and Kilpatrick:—"Mr. Hurlbut was charged, in the strongest terms, to endeavor to eliminate the cession of territory as a condition for the initiation of peace negotiations and, to this end, he received the following instructions:—

"It will be difficult, perhaps, to obtain this from Chile; but as the Chilean Government has distinctly repudiated the idea that this war was a war of conquest, the Government of Peru may fairly claim the opportunity to make proposals of indemnity and guarantee before submitting to a cession of territory. If you can aid the Government of Peru in securing such a result, you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with the assistance of foreign powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me, after you have reached your post." (Senate Documents, 47th Congress, vol. 4, page 501.)

Mr. Kilpatrick, a copy of whose instructions was given to Mr. Hurlbut, was addressed as follows:—

"Difficult as would be the intervention of the United States under ordinary circumstances, our position is further embarrassed by the failure of the conferences at Arica, undertaken at our suggestion. It is evident from the protocols of that confer-

ence that Chile was prepared to dictate and not to discuss the terms of peace, and that the arbitration of the United States upon any questions of differences with the allied powers of Peru and Bolivia would not be accepted by the Chilian Government."

And he was, therefore, charged "to observe a conduct of expectation, yet commanded to take advantage of every opportunity, but without officious intrusion, to induce Chile to desist from her demand that the 'sine qua non' condition, for the reopening of negotiations for peace, be the readiness of Peru to cede a portion of her territory, it being a necessity to provide Peru and Bolivia with all and every possible opportunity to offer a fair war indemnity and an acceptable guarantee. If these powers fail to offer a reasonably sufficient indemnity and guarantee, then it becomes a fair subject for consideration whether such territory may not be exacted as the necessary price of peace." (Senate Documents, 47th Congress, vol. 4, page 157.)

As is seen from the tenor of these instructions, the wish of the United States was that all diplomatic negotiations referring to annexation of territory should be postponed, only to be considered in the case of the vanquished republics being unable to pay an equitable indemnity of war.

Mr. Hurlbut was furthermore constituted the active agent in the new mediation and chief minister on the Pacific coast.

Mr. Hurlbut's proceedings were of a most active character. A few days after his arrival at Lima and on the 5th of August, 1881, he addressed his Santiago colleague, informing him of the intentions of the Government of the United States, resuming the contents of his official note in the following terms:—

"1st. That peace on fair and honorable terms should be arranged as speedily as possible.

"2nd. That the integrity of the Peruvian territory should be maintained.

"3rd. That a full, fair and reasonable indemnity ought to be made to Chile for the expenses of the war, adding:—The United States are not disposed to recognize, on this continent, the European notion of addition to territory by conquest." (Foreign Relations U. S. A., 1881, page 924.)

His reception speech contained similar declarations and taking advantage of the opportunity offered him by General Lynch, Commander-in-Chief at Lima, he forwarded to the latter, on the 25th of August, 1881, a memorandum which was published im-



mediately afterward and which contained the following paragraph:—

"I wish to state further, that while the United States recognize all rights which the conqueror gains under the laws of civilized war, they do not approve of war for the purpose of territorial aggrandizement, nor of the violent dismemberment of a nation except as a last resort, in extreme emergencies."

Mr. Hurlbut lost no opportunity in carrying out these instructions, and taking the fullest advantage which his diplomatic representation gave him, he encouraged Peru to prolong its resistance, inspiring it with full confidence in the efficacy of the ultimate intervention of the United States, which was to save her from any dismemberment of national territory, the one hope of all Peruvians at that time.

The following telegram shows how the situation created at Lima by Mr. Hurlbut's activity was interpreted by the Chilian authorities:

"Lima, August 26th, 1881.

"Secretary of State, Santiago.

"Hurlbut, the United States Minister, has notified Calderon that the United States will, under no circumstances, permit annexation of territory to Chile; he has also repeated this statement to outside parties. It is the subject of conversation here, complicates and endangers our occupation.

"Lynch, Commander-in-Chief."

"In the meantime, Mr. Kilpatrick, who was rather sick at Santiago, remained entirely inactive.

"The Chilian Government was alarmed by the attitude assumed by Mr. Hurlbut in Lima. Mr. Kilpatrick allowed himself to be questioned by the Minister of Foreign Affairs in reference to the conduct of his colleague at Peru, which he criticised in an unsuitable manner, and, proceeding under the mistaken supposition that Mr. Hurlbut's instructions agreed with his own, he disauthorized the emphatic declarations made by this diplomatist, in the name of his Government.

On Mr. Blaine's receiving information of the false step taken by his Minister in Chile, he sent him an official communication dated the 22d of November, 1881, strongly disapproving the latter's singular conduct and ordered him to state to the Chilian Government that the President of the United States had decided to send a special commissioner charged to inform it of his views

upon the "deplorable condition of affairs in South America, a condition now fast assuming proportions which make its settlement a matter of deep concern to all the republics of the continent."

Nor was Mr. Hurlbut's attitude entirely satisfactory to the Secretary of State, who disapproved the manner of some of his acts.

It was inevitable that Mr. Kilpatrick's conduct should greatly annoy Mr. Hurlbut, and henceforth no understanding between them was possible, and as it became consequently impossible for the two diplomatists to cooperate, it was deemed necessary at Washington to accredit a Special Envoy, furnished with full powers, to the three belligerent republics.

This important mission was entrusted to Mr. William Henry Trescott, of South Carolina.

The extensive instructions he received are dated December 1st, 1881.

After minutely explaining the situation, he was authorized to declare "that the government of the United States recognizes, without reserve, the right of Chile to an adequate indemnity for the cost of the war, and a sufficient guarantee that it will not again be subjected to hostile demonstrations by Peru, and further that if Peru is unable or unwilling to furnish such indemnity, the right of conquest has put it in the power of Chile to supply them, and the reasonable exercise of that right, however much its necessity may be regretted, is not ground for legitimate complaint on the part of the other powers.

"And, therefore, this Government holds: that between two independent nations hostilities do not, from the mere existence of war, confer the right of conquest, until the failure to furnish the indemnity and guarantee. Nor can this Government admit that a cession of territory can be properly exacted, far exceeding in value the amplest estimate of a reasonable indemnity."

The instructions ended with the declaration that "if our good offices are rejected, and this policy of the absorption of an independent State be persisted in, this Government will consider itself discharged from any further obligation to be influenced in its action by the position which Chile has assumed, and it will hold itself free to appeal to the other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chile and Peru; but which threaten with extremest dan-

ger the political institutions, the peaceful progress and the liberal civilization of all America."

And in the event that Chile received the representations of the United States in a friendly spirit, it will be your purpose:—

"First.—To concert such measures as will enable Peru to establish a regular government and initiate negotiations.

"Second.—To induce Chile to consent to such negotiations without the cession of territory as a condition precedent.

"Third.—To impress upon Chile that in such negotiation she ought to allow Peru a fair opportunity to provide for a reasonable indemnity, and, in this connection, to let it be understood that the United States would consider the imposition of an extravagant indemnity, so as to make the cession of territory necessary in satisfaction, as more than is justified by the actual cost of the war and as a solution threatening renewed difficulty between the two countries."

In order better to understand the policy of the United States it will be convenient here to say:

That according to the official declarations of the Chilean Government the war expenses on her side, up to that date, were from \$30,000,000 to \$40,000,000.

And, in consideration thereof, Mr. Blaine, in the course of the instructions, from which we have extracted the foregoing paragraphs, said to Mr. Trescott as follows:—

"Already by force of its occupation, the Chilean Government has collected great sums from Peru; and it has been openly and officially asserted in the Chilean Congress that these military impositions have furnished a surplus beyond the cost of maintaining its armies of occupation. The annexation of Tarapacá which, under proper administration, would yield annually a sufficient sum to pay a large indemnity, seems to us inconsistent with the execution of justice." (Senate Documents, 47th Congress, vol. 4, page 174.)

### **The Assassination of President Garfield Affects American Policy.**

Every endeavor which was initiated, as a result of these instructions from the United States Government, was rendered useless by the assassination of President Garfield and the appointment of a new Secretary of State, which caused the policy of the United States to deviate from the line of conduct which had been originally decided upon.

### **The Peace Treaty Imposed by Chile.**

American mediation having been unsuccessful, Chile was able to impose a Peace Treaty on Peru, which contained the following clauses:

"Art. 1. The Republic of Peru cedes to the Republic of Chile, in perpetuity and unconditionally, the territory of the sea-board province of Tarapacá, the boundaries of which are on the north, the Camarones river and ravine of the same name; on the south the ravine and river Loa; on the east, the Republic of Bolivia, and on the west, the Pacific ocean."

"Art. 3. The territory of the provinces of Tacna and Arica, bounded on the north by the River Sama, from its source in the Bolivian Cordilleras to its mouth on the sea; on the south by the ravine and river Camarones; on the east by the Republic of Bolivia and on the west by the Pacific Ocean, shall continue in the possession of Chile, subject to Chilean laws and authority for a period of ten years, reckoned from the date of the ratification of the present treaty." "After the expiration of that term, a plebiscite shall decide, by popular vote, whether the territories of the above-mentioned provinces are to remain definitely under the dominion and sovereignty of Chile, or continue to form part of the Republic of Peru. Either of the two countries to which the provinces of Tacna and Arica shall be adjudged, shall pay to the other, ten million Chilean silver dollars or Peruvian 'soles' of the same weight and fineness."

"A special protocol, which will be considered an integral part of the present treaty, shall prescribe the manner in which the plebiscite is to be carried out, as well as the terms to be granted for the payment of the ten millions by the nation which shall remain in possession of the provinces of Tacna and Arica."

### **Chile Fails to Carry Out the Treaty of Ancon.**

Of these two clauses, Chile has failed to fulfill that which refers to the carrying out of the plebiscite in the provinces of Tacna and Arica, and she has kept these territories, which should have been returned in 1894, in subjection to the present day.

A voluminous diplomatic correspondence conclusively proves Chile's responsibility in the matter of this faithlessness. The moral proof of this responsibility is sufficiently demonstrated by



the opinion of a Chilean diplomatist—Gonzalo Bulnes—expressed in an article published in “El Ferrocarril,” of Santiago, in which he says:—

“Peru has the greatest interest in the carrying out of the plebiscite; to deny this would only put us in an unfavorable situation, because her Government can easily prove the contrary by exhibiting all the diplomatic correspondence on the subject. The reasons for this interest are very clear and can be stated briefly as follows:—1st. Chile is in possession of the territory in dispute and the only available means left to Peru for its recovery lies in urging Chile to comply with the conditions stipulated in the Treaty of Ancon. Therefore, the natural attitude of Peru during these negotiations is an active one, while that of Chile is merely passive. 2nd. Peru has been hearing the calls of the inhabitants of these provinces, clamoring to be reincorporated with their former fatherland, and from a sense of patriotism and for her own self-respect she could no longer allow their appeals to remain unheeded. 3rd. Peru has always had blind confidence in the ultimate result of the plebiscite.”

On another occasion this same writer says:—“The intentions of Peru have never varied, and her most earnest desire has ever been to recover her former provinces after obtaining that the plebiscite be carried out under the auspices of some foreign power, doing her best, meanwhile, to obtain all facilities for the payment of the ransom. Chile, on the other hand, has one day wished the plebiscite to be favorable to her; on other occasions wished to make Bolivia a present of the territories, and finally suggested handing them over to Peru; her action has, in consequence, been weak and she has made declarations and established principles that are contradictory as well as dangerous.”

### **Chile Has Exulted in Her Conquest and Has Compared It to the Conquest by Germany of Alsace and Lorraine.**

The Chilean minister at La Paz, in his communication of the 13th of August, 1900, to the Bolivian Foreign Office, says:—“Chile has occupied the coast and taken possession of it by the same right which Germany exercised when she annexed Alsace and Lorraine \* \* \* our rights are the result of victory, which is the supreme law of nations. That the coast is rich and worth many millions, we already know. We keep it because it is valuable. Were it worthless, we would have no interest in retaining it.”

## **Chile Must Not Be Allowed to Keep the Conquered Territories.**

1st. Because her conquests are based upon a treaty imposed by force and against which the inhabitants of the territories have always protested.

2nd. Because the excuse for their retention is the payment of a war indemnity which Chile has received more than a hundredfold, according to official statistics published by Chile. The export taxes on iodine and saltpetre alone which Chile has received since 1879 to date, amount to about 2,000 million "pesos."

3rd. Because Chile has not fulfilled the clause which refers to the plebiscite in the provinces of Tacna and Arica. When the Chilean minister in Lima, Maximo Lira, was discussing with the Peruvian Government the matter of the execution of another of the clauses of the same Treaty of Ancon, respecting the guarantees derived from the guano deposits, he declared to the Peruvian Foreign Office in 1896 that "all the component parts of a treaty form an indivisible whole; each is incorporated in the others and becomes a condition of all the rest."

4th. Because conquest is incompatible with the new international doctrine. If this principle has been abolished in the reconstruction of the European continent, it should not be allowed to subsist in America.

